

HOUSE BUSINESS AND INDUSTRY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 314

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

AN ACT

RELATING TO GAMING; AUTHORIZING THE DEPARTMENT OF HEALTH TO
REVIEW AND APPROVE COMPULSIVE GAMBLER PLANS; REQUIRING UPDATED
COMPULSIVE GAMBLER PLANS TO BE SUBMITTED ANNUALLY; AMENDING A
SECTION OF THE GAMING CONTROL ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-2E-26 NMSA 1978 (being Laws 1997,
Chapter 190, Section 28) is amended to read:

"60-2E-26. GAMING OPERATOR LICENSEES--GENERAL
PROVISIONS--BUSINESS PLAN--PLAYER AGE LIMIT--RESTRICTIONS.--

A. An applicant for licensure as a gaming operator
shall submit with the application a compulsive gambler plan for
assisting in the prevention, education and treatment of
compulsive gambling to the board.

B. The compulsive gambler plan shall include

.151520.1

underscoring material = new
[bracketed material] = delete

1 regular educational training sessions for employees. A
2 compulsive gambler plan is a public document and is available
3 for review by the public upon request made to the board.

4 C. The board shall enter into an agreement with the
5 department of health to provide for review and approval by that
6 department of all compulsive gambler plans and shall submit
7 each compulsive gambler plan to that department for review and
8 approval. Plan approval by the department of health is a
9 condition of issuance or renewal of the gaming operator
10 license. The department of health shall notify the board of
11 the approval or rejection of a compulsive gambler plan within
12 thirty days from the date of receipt of the plan by the
13 department of health.

14 ~~[B.]~~ D. An applicant for licensure as a gaming
15 operator shall submit with the application a proposed business
16 plan. The plan shall include at least:

- 17 (1) a floor plan of the area to be used for
18 gaming machine operations;
19 (2) an advertising and marketing plan;
20 (3) the proposed placement and number of
21 gaming machines;
22 (4) a financial control plan;
23 (5) a security plan;
24 (6) a staffing plan for gaming machine
25 operations; and

.151520.1

1 (7) details of any proposed progressive
2 systems.

3 ~~[G.]~~ E. A gaming operator licensee shall be granted
4 a license to operate a specific number of machines at a gaming
5 establishment identified in the license application and shall
6 be granted a license for each gaming machine.

7 F. A gaming operator licensee seeking renewal of
8 his license shall submit an updated compulsive gambler plan
9 annually to the board at the time of each license renewal
10 request. A license shall not be renewed until the compulsive
11 gambler plan is approved by the department of health. The
12 department of health shall notify the board of the approval or
13 rejection of the compulsive gambler plan within thirty days
14 from the date of receipt of the plan by the department of
15 health.

16 ~~[D.]~~ G. A gaming operator licensee who desires to
17 change the number of machines in operation at a gaming
18 establishment shall apply to the board for an amendment to his
19 license authorizing a change in the number of machines.

20 ~~[E.]~~ H. Gaming machines may be available for play
21 only in an area restricted to persons twenty-one years of age
22 or older.

23 ~~[F.]~~ I. A gaming operator licensee shall erect a
24 permanent physical barrier to allow for multiple uses of the
25 premises by persons of all ages. For purposes of this

.151520.1

1 subsection, "permanent physical barrier" means a floor-to-
2 ceiling wall separating the general areas from the restricted
3 areas. The entrance to the area where gaming machines are
4 located shall display a sign that the premises are restricted
5 to persons twenty-one years of age or older. Persons under the
6 age of twenty-one shall not enter the area where gaming
7 machines are located.

8 ~~[G.]~~ J. A gaming operator licensee shall not have
9 automated teller machines in the area restricted pursuant to
10 Subsection ~~[F]~~ I of this section.

11 ~~[H.]~~ K. A gaming operator licensee shall not provide,
12 allow, contract or arrange to provide alcohol or food for no
13 charge or at reduced prices as an incentive or enticement for
14 patrons to game.

15 ~~[I.]~~ L. Only a racetrack licensed by the state
16 racing commission or a nonprofit organization may apply for or
17 be issued a gaming operator's license. No other persons are
18 qualified to apply for or be issued a gaming operator's license
19 pursuant to the Gaming Control Act."